

SECOND COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 100299, AS
AMENDED

Amending Chapter 88, Zoning and Development Code, by repealing Tables 110-1, 120-1, 130-1, and 140-1, and Section 88-805-06 and replacing said tables and section with tables and a section of like number and title, changing the section number for Wireless Communication Facility, and adding a new Section 88-312, Agriculture, all to provide for and regulate urban agriculture; and directing the City Manager to make certain reports to the Council regarding this ordinance.

WHEREAS, Kansas City, through the adoption of the Climate Protection Plan in 2008, has committed to being a Green City; and

WHEREAS, said plan included recommendations to “promote residential neighborhood food production” and to “create urban agriculture zoning to foster fruit and vegetable production as well as small-scale animal husbandry on vacant land and lots within neighborhoods,” and

WHEREAS, all residents of the city should have access to healthy food that is reasonably priced; and

WHEREAS, the City desires to create local employment opportunities, particularly in the field of green infrastructure, and

WHEREAS, urban agriculture can return underused urban spaces to being productive land uses; and

WHEREAS, urban agriculture reduces the need for transportation, processing, packaging and refrigeration of food grown elsewhere and transported into the city; and

WHEREAS, urban agriculture offers opportunities for urban residents, especially children, to learn about the principles of environmental sustainability, ecology, biology, plants, and insects; and

WHEREAS, other cities across the country are adopting legislation to further urban agriculture; and

WHEREAS, although urban agriculture can bring many benefits to the City, there is a need to regulate such land uses to protect neighborhoods, prevent nuisances, protect property values, protect the environment, and ensure the health and safety of the City’s residents; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, Zoning and Development Code, by repealing Tables 110-1, 120-1, 130-1, and 140-1, and Section 88-805-06 and replacing said tables and

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section with tables and section of like number and title, adding a new section 88-805-07, Wireless Communication Facility (which makes no substantive changes but rather renumbers the section from 88-805-06-C), and adding a new Section 88-312, Agriculture, to read as follows:

**Table 110-1
Residential Districts Use Table**

USE GROUP Use Category ↳specific use type	ZONING DISTRICT									Use Standards
	R 80	R 10	R 7.5	R 6	R 5	R 2.5	R 1.5	R 0.5	R 0.3	
RESIDENTIAL										
Household Living	P	P	P	P	P	P	P	P	P	88-110-06-C
Group Living (except as noted below)	-	-	-	-	-	-	S	S	S	88-350
↳Group homes	-	-	-	-	-	-	P	P	P	88-350
↳Nursing home	S	S	S	S	S	S	P	P	P	88-350
PUBLIC/CIVIC										
College/University	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
Day Care										
↳Home-based (1-4)	P	P	P	P	P	P	P	P	P	
↳Family (5-10)	P	P	P	P	P	P	P	P	P	88-330-01
↳Group(11-20)	S	S	S	S	S	S	P	P	P	88-330-02
↳Center (21+)	-	-	-	-	-	-	-	-	-	
Detention and Correctional Facilities	S	-	-	-	-	-	-	-	-	88-335
Hospital	-	-	-	-	-	-	-	S	S	
Library/Museum/Cultural Exhibit	P/S	-	-	-	P/S	P/S	P/S	P/S	P/S	88-365
Park/Recreation	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
Religious Assembly	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
Safety Service (except as noted below)	S	S	S	S	S	S	S	S	S	88-365
↳Fire station	P	P	P	P	P	P	P	P	P	88-365
↳Police station	P	P	P	P	P	P	P	P	P	88-365
School	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
Utilities and Services (except as noted below)	S	S	S	S	S	S	S	S	S	
↳Basic, minor	P	P	P	P	P	P	P	P	P	
COMMERCIAL										
Entertainment and Spectator Sports	S	-	-	-	-	-	-	-	-	
Funeral and Interment Service										88-345
↳Cemetery/columbarium/mausoleum	S	S	S	S	S	S	S	S	S	88-345
↳Crematory	S	S	S	S	S	S	S	S	S	88-345
↳Undertaking	-	-	-	-	-	-	-	S	S	88-345
Lodging										
↳Bed and breakfast	S	-	-	-	S	S	S	S	S	88-320
↳Recreational vehicle park	S	-	-	-	-	-	-	-	-	
Neighborhood-serving retail	S	S	S	S	S	S	S	S	S	88-360
Office, Administrative, Professional	-	-	-	-	-	-	S	S	S	

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USE GROUP Use Category ↳ specific use type	ZONING DISTRICT									Use Standards
	R 80	R 10	R 7.5	R 6	R 5	R 2.5	R 1.5	R 0.5	R 0.3	
or General										
Reuse of officially designated historic landmark (local or national)	S	S	S	S	S	S	S	S	S	
Sports and Recreation, Participant	S	-	-	-	-	-	-	-	-	
INDUSTRIAL										
Mining and Quarrying	S	-	-	-	-	-	-	-	-	
Waste-Related Use (except as noted below)	-	-	-	-	-	-	-	-	-	
↳ Demolition debris landfill	S	-	-	-	-	-	-	-	-	88-380
AGRICULTURAL										
Agriculture, Crop	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-312-01
Agriculture, Animal	P/*	P/*	P/*	P/*	P/*	P/*	P/*	P/*	P/*	*Chapter 14
Agriculture, Urban										
↳ Home Garden	P	P	P	P	P	P	P	P	P	88-312-02-A
↳ Community Garden	P	P	P	P	P	P	P	P	P	88-312-02-B
↳ Community Supported Agriculture (CSA) Farm	P	S	S	S	S	S	S	S	S	88-312-02-C
ACCESSORY SERVICES										
Wireless Communication Facility										
↳ Freestanding	P	-	-	-	-	-	-	-	-	88-385
↳ Co-located antenna	P	P	P	P	P	P	P	P	P	88-385

Table 120-1
Office, Business and Commercial Districts Use Table

USE GROUP Use Category ↳ specific use type	ZONING DISTRICT					Use Standards
	O	B1	B2	B3	B4	
RESIDENTIAL						
Household Living						
↳ In single-purpose residential building	-	P	P	P	P	
↳ above ground floor (in mixed-use building)	P	P	P	P	P	
Group Living	P	P	P	P	P	
PUBLIC/CIVIC						
College/University	P	P	P	P	P	
Day Care						
↳ Home-based (1-4)	P	P	P	P	P	
↳ Family (5-10)	P	P	P	P	P	
↳ Group (11-20)	P	P	P	P	P	
↳ Center (21+)	P	P	P	P	P	
Hospital	S	-	-	P	P	

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USE GROUP	ZONING DISTRICT					Use Standards
	O	B1	B2	B3	B4	
Use Category ↳ specific use type						
Library/Museum/Cultural Exhibit	P	P	P	P	P	
Park/Recreation	P	P	P	P	P	
Religious Assembly	P	P	P	P	P	
Safety Service						
↳ Fire station	P	P	P	P	P	
↳ Police station	P	P	P	P	P	
↳ Ambulance service	S	S	S	P	P	
School	P	P	P	P	P	
Utilities and Services (except as noted below)	S	S	S	S	S	
↳ Basic, minor	P	P	P	P	P	
COMMERCIAL						
Adult Business						
↳ Adult media store	-	-	P	P	P	88-310-03
↳ Adult motion picture theater	-	-	-	P	P	88-310-02
↳ Sex shop	-	-	-	P	P	88-310-02
Animal Service						
↳ Sales and grooming	-	P	P	P	P	88-315
↳ Shelter or boarding	-	-	P	P	P	88-315
↳ Veterinary	-	-	P	P	P	88-315
↳ Stable	-	-	-	-	S	88-315
Artist Work or Sales Space	-	P	P	P	P	
Building Maintenance Service	-	-	-	P	P	
Business Equipment Sales and Service	-	-	P	P	P	
Business Support Service (except as noted below)	-	-	P	P	P	
↳ Day labor employment agency	-	-	-	-	S	88-331
Communications Service Establishments	P	-	P	P	P	
Drive-Through Facility	-	-	P	P	P	88-340
Eating and Drinking Establishments (except as noted below)	P	P	P	P	P	
↳ Tavern or nightclub	-	-	P	P	P	
Entertainment and Spectator Sports						
↳ Indoor small venue (1-149 capacity)	-	-	S	P	P	
↳ Indoor medium venue (150-499 capacity)	-	-	-	P	P	
↳ Indoor large venue (500+ capacity)	-	-	-	S	P	
↳ Outdoor (all sizes)	-	-	-	S	P	
Financial Services (except as noted below)	S	P	P	P	P	
↳ Check-cashing, short-term loan/title loan establishment	-	-	S	S	S	88-325
↳ Pawn shop	-	-	S	S	P	
Food and Beverage Retail Sales	-	P	P	P	P	

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USE GROUP	ZONING DISTRICT					Use Standards
	O	B1	B2	B3	B4	
Use Category ↳ specific use type						
Funeral and Interment Service						
↳ Cemetery/columbarium/mausoleum	S	S	S	S	S	88-345
↳ Cremating	-	S	S	S	S	88-345-02
↳ Undertaking	-	S	P	P	P	88-345
Gasoline and Fuel Sales	-	S	S	S	P	
Lodging						
↳ Bed and Breakfast	-	P	P	P	P	
↳ Hotel/motel	-	-	-	P	P	
↳ Recreational vehicle park	-	-	-	S	S	
Office, Administrative, Professional or General Office, Medical	P	P	P	P	P	
↳ Blood/plasma center	-	-	-	S	S	
Parking, Non-accessory	-	-	S	P	P	
Personal Improvement Service	P	P	P	P	P	
Repair or Laundry Service, Consumer	-	P	P	P	P	
Research Service	P	P	P	P	P	
Retail Sales	-	P	P	P	P	
Sports and Recreation, Participant						
↳ Indoor	-	P	P	P	P	
↳ Outdoor	-	-	-	P	P	
Vehicle Sales and Service(except as noted below)	-	-	-	P	P	
↳ Car wash/cleaning service	-	-	S	P	P	
↳ Heavy equipment sales/rental	-	-	-	S	P	
↳ Light equipment sales/rental (indoor)	-	-	P	P	P	
↳ Light equipment sales/rental (outdoor)	-	-	S	S	P	
↳ Motor vehicle repair, limited	-	-	S	P	P	
↳ Motor vehicle repair, general	-	-	-	S	P	
↳ Vehicle storage/towing	-	-	-	-	P	88-375
INDUSTRIAL						
Manufacturing, Production and Industrial Service						
↳ Artisan	-	-	-	-	P	
↳ Limited	-	-	-	-	S	
↳ General	-	-	-	-	S	
Recycling Service						
↳ Limited	-	-	-	-	S	
Residential Storage Warehouse	-	-	-	-	P	
Warehousing, Wholesaling, Freight Movement						
↳ Indoor	-	-	-	-	P	
↳ Outdoor	-	-	-	-	-	

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USE GROUP	ZONING DISTRICT					Use Standards
	O	B1	B2	B3	B4	
Use Category ↳specific use type						
AGRICULTURAL						
Agriculture, Crop	P	P	P	P	P	88-312-01
Agriculture, Animal	P/*	P/*	P/*	P/*	P/*	*Chapter 14
Agriculture, Urban						
↳Home Garden	P	P	P	P	P	88-312-02-A
↳Community Garden	P	P	P	P	P	88-312-02-B
↳Community Supported Agriculture (CSA) Farm	P	P	P	P	P	88-312-02-C
ACCESSORY SERVICES						
Wireless Communication Facility						
↳Freestanding	-	-	P	P	P	88-385
↳Co-located antenna	P	P	P	P	P	88-385

Table 130-1
Downtown Districts Use Table

USE GROUP	Zoning District			Use Standard
	DC	DX	DR	
Use Category ↳specific use type				
RESIDENTIAL				
Household Living				
↳In single-purpose residential building	P	P	P	
↳above ground floor (in mixed-use building)	P	P	P	
Group Living	S	S	S	
PUBLIC/CIVIC				
College/University	P	P	P	
Day Care				
↳Home-based (1-4)	P	P	P	
↳Family (5-10)	P	P	P	
↳Group(11-20)	P	P	S	
↳Center (21+)	P	P	S	
Hospital	S	S	S	
Library/Museum/Cultural Exhibit	P	P	P	
Park/Recreation (except as noted below)	P	P	P	
↳Community center	P	P	P/S	88-365
Religious Assembly	P	P	P	
Safety Service	P	P	P/S	88-365
School	P	P	P/S	88-365
Utilities and Services(except as noted below)	S	S	S	
↳Basic, minor	P	P	P	
COMMERCIAL				

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USE GROUP	Zoning District			Use Standard
	DC	DX	DR	
Use Category ↳ specific use type				
Adult Business				
↳ Adult media store	P	P	-	88-310-03
↳ Adult motion picture theater	P	P	-	88-310-02
↳ Sex shop	P	P	-	88-310-02
Animal Service				
↳ Sales and grooming	P	P	-	88-315
↳ Shelter or boarding	P	P	-	88-315
↳ Veterinary	P	P	-	88-315
↳ Stable	-	S	-	88-315
Artist Work or Sales Space				
	P	P	P	
Building Maintenance Service				
	P	P	-	
Business Equipment Sales and Service				
	P	P	-	
Business Support Service(except as noted below)				
↳ Day labor employment agency	-	S	-	
Communications Service Establishments				
	P	P	-	
Drive-Through Facility				
	S	S	-	88-340
Eating and Drinking Establishments(except as noted below)				
	P	P	P	
↳ Tavern or nightclub	P	P	S	
Entertainment and Spectator Sports				
↳ Indoor small venue (1-149 capacity)	P	P	P	
↳ Indoor medium venue (150-499 capacity)	P	P	S	
↳ Indoor large venue (500+ capacity)	S	S	S	
↳ Outdoor (all sizes)	S	S	S	
Financial Services(except as noted below)				
↳ Check-cashing, short-term loan/title loan establishment	-	S	-	88-325
↳ Pawn shop	-	S	-	
Food and Beverage Retail Sales				
	P	P	P	
Funeral and Interment Service				
↳ Cemetery/columbarium/mausoleum	-	-	-	88-345
↳ Cremating	-	-	-	88-345-02
↳ Undertaking	P	P	-	88-345
Gasoline and Fuel Sales				
	S	S	-	
Lodging				
↳ Bed and Breakfast	P	P	P	
↳ Hotel/motel	P	P	S	
Office, Administrative, Professional or General				
	P	P	P	
Office, Medical				
↳ Blood/plasma center	S	S	-	
Parking, Non-accessory				
	S	S	S	
Personal Improvement Service				
	P	P	P	

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USE GROUP	Zoning District			Use Standard
	DC	DX	DR	
Use Category ↳ specific use type				
Repair or Laundry Service, Consumer	P	P	S	
Research Service	P	P	—	
Retail Sales	P	P	P	
Sports and Recreation, Participant				
↳ Indoor	P	P	S	
↳ Outdoor	S	S	S	
Vehicle Sales and Service (except as noted below)	S	S	—	
↳ Car wash/cleaning service	S	S	—	
↳ Heavy equipment sales/rental	—	S	—	
↳ Light equipment sales/rental (indoor)	S	S	—	
↳ Light equipment sales/rental (outdoor)	S	S	—	
↳ Motor vehicle repair, limited	S	S	—	
↳ Motor vehicle repair, general	—	S	—	
↳ Vehicle storage/towing	—	S	—	
INDUSTRIAL				
Manufacturing, Production and Industrial Service				
↳ Artisan	P	P	—	
↳ Limited	S	S	—	
↳ General	—	S	—	
Recycling Service				
↳ Limited	—	S	—	
Residential Storage Warehouse	—	S	—	
Warehousing, Wholesaling, Freight Movement				
↳ Indoor	S	S	—	
↳ Outdoor	—	S	—	
AGRICULTURAL				
Agriculture, Crop	P	P	P	88-312-01
Agriculture, Animal	—	P/*	—	*Chapter 14
Agriculture, Urban				
↳ Home Garden	P	P	P	88-312-02-A
↳ Community Garden	P	P	P	88-312-02-B
↳ Community Supported Agriculture (CSA) Farm	P	P	P	88-312-02-C
ACCESSORY SERVICES				
Wireless Communication Facility				
↳ Freestanding	—	—	—	88-385
↳ Co-located antenna	P	P	P	88-385

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**Table 140-1
Manufacturing Districts Use Table**

USE GROUP	Zoning District				Use Standards
	M1	M2	M3	M4	
Use Category ↳ specific use type					
RESIDENTIAL					
Household Living	S	-	-	-	
Group living	S	-	-	-	
PUBLIC/CIVIC					
College/University	P	P	-	-	
Day Care	P	P	S	S	
Detention and Correctional Facilities	S	S	S	S	88-335
Safety Service	P	P	P	P	
Utilities and Services(except as noted below)	S	S	S	S	
↳ Basic, minor	P	P	P	P	
COMMERCIAL					
Adult Business					
↳ Adult media store	P	P	P	P	88-310
↳ Adult motion picture theater	P	P	P	P	88-310
↳ Sex shop	P	P	P	P	88-310
Animal Service	P	P	P	P	88-315
Artist Work or Sales Space	P	P	P	P	
Building Maintenance Service	P	P	P	P	
Business Equipment Sales and Service	P	P	P	P	
Business Support Service(except as noted below)	P	P	P	P	
↳ Day labor employment agency	S	S	P	P	
Communications Service Establishments	P	P	P	P	
Drive-through Facility	P	-	-	-	
Eating and Drinking Establishments	P	P	P	P	
Entertainment and Spectator Sports	P	S	S	-	
Financial Services	P	S	S	S	
Food and Beverage Retail Sales	P	P	P	P	Max 5K sq. ft.
Funeral and Interment Service					
↳ Cemetery/columbarium/mausoleum	-	-	-	-	
↳ Cremating	P	P	P	P	
↳ Undertaking	P	P	P	P	
Gasoline and Fuel Sales	P	P	P	P	
Office, Administrative, Professional or General	P	P	P	P	
Office, Medical	P	P	-	-	
Parking, Non-accessory	P	P	P	P	
Personal Improvement Service	P	P	P	P	

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USE GROUP	Zoning District				Use Standards
	Use Category ↳ specific use type	M1	M2	M3	
RETAIL					
Repair or Laundry Service, Consumer	P	P	P	-	
Research Service	P	P	P	P	
Retail Sales	P	P	P	P	Max 5K sq. ft.
Sports and Recreation, Participant	P	S	S	-	
Vehicle Sales and Service(except as noted below)	P	P	P	P	
↳Light equipment sales/rental (indoor)	P	P	-	-	
↳Light equipment sales/rental (outdoor)	P	P	-	-	
INDUSTRIAL					
Junk/Salvage Yard	-	-	S	P	
MANUFACTURING					
Manufacturing, Production and Industrial Service					
↳Artisan	P	P	P	P	
↳Limited	P	P	P	P	
↳General	S	P	P	P	
↳Intensive	-	-	-	P	
Mining/Quarrying	S	S	S	S	88-355
RECYCLING					
Recycling Service					
↳Limited	P	P	P	P	
↳General	S	S	S	P	
WAREHOUSING					
Residential Storage Warehouse	P	P	P	-	
WAREHOUSING, WHOLESALE, FREIGHT					
Warehousing, Wholesaling, Freight Movement					
↳Indoor	P	P	P	P	
↳Outdoor	-	-	S	P	
WASTE-RELATED USE					
Waste-related Use					
↳Demolition debris landfill	S	S	S	S	88-380
↳Solid waste separation facility	-	-	S	S	88-380
↳Transfer station	-	-	S	S	88-380
AGRICULTURAL					
Agriculture, Crop	P	P	P	P	88-312-01
Agriculture, Animal	P/*	P/*	P/*	P/*	*Chapter 14
AGRICULTURE, URBAN					
Agriculture, Urban					
↳Home Garden	P	P	P	P	88-312-02-A
↳Community Garden	P	P	P	P	88-312-02-B
↳Community Supported Agriculture (CSA) Farm	P	P	P	P	88-312-02-C
ACCESSORY SERVICES					
Wireless Communication Facility					
↳Freestanding	P	P	P	P	88-385
↳Co-located antenna	P	P	P	P	88-385

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88-312. AGRICULTURE

88-312-01. Crop Agriculture

88-312-01-A. General

An area of land managed and maintained by an individual or group of individuals to grow and harvest food crops and horticultural products (including flowers, trees, and bees and apiary products) for off-site sale in locations where retail sales are an allowed use. Crop agriculture may be a principal or accessory use.

1. Crop Agriculture Standards

- (a) Garden and farm-related buildings and structures must comply with the accessory structure setback requirements that apply in the subject zoning district (See 88-305). Crop areas must be set back at least 3 feet from all property lines. The required setback must be covered with ground cover plants, which may include grasses.
- (b) The site must be designed and maintained so that chemicals will not drain onto adjacent property.
- (c) On-site sales of whole, uncut, fresh food and/or horticultural products grown on the crop agriculture property are allowed on property zoned R-80.

2. Special Use Permit Required for On-Site Sales

In residential zoning districts, except R-80, on-site sales of whole, uncut, fresh food and/or horticultural products grown on the crop agriculture property may be allowed if reviewed and approved in accordance with the special use permit procedures of 88-525. A special use permit shall not be issued unless all of the approval criteria in 88-525-09 are satisfied.

88-312-02. Urban Agriculture

88-312-02-A. Home Garden

A garden maintained by one or more individuals who reside in a dwelling unit located on the subject property. Food and/or horticultural products grown in the home garden may be used for personal consumption, and only whole, uncut, fresh food and/or horticultural products grown in a home garden may be donated or sold on-site within a reasonable time of its harvest. The sales may only take place during the period of May 15 through October 15. Row crops are not permitted in the front yard of a residentially zoned and occupied property, except property zoned R-80, if whole, uncut fresh food and/or horticultural products grown in the home garden are donated or sold onsite. "Row crops" shall be defined as grain, fruit or vegetable plants, grown in rows, which are 24 inches or more in height.

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“Row crops” shall not mean cultivated or attended trees, bushes, or shrubbery less than 6 feet in height, or trees in excess of 6 feet in height, and shall not include grain, fruit or vegetable plants that are part of the front yard’s borders, that extend no more than 5 feet from the side property lines or from the front of the principal building. A home garden is an accessory use to a principal residential use, and must comply with the lot and building standards for its zoning district. On-site sales made in accordance with this section shall not be considered to be commercial activity under this Code, and shall not be subject to the restrictions for home occupations in 88-305-04. Section 88-10-08-C shall govern any conflict between the provisions of this section and any private homeowner covenants or restrictions. Any area of land that is managed and maintained in a manner that fits within the description of Community Supported Agriculture in 88-312-02-C cannot be considered to be a Home Garden.

88-312-02-B. Community Garden

An area of land managed and maintained by a group of individuals to grow and harvest food and/or horticultural products for personal or group consumption or for sale or donation. A community garden area may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group. A community garden may include common areas (e.g., hand tool storage sheds) maintained and used by the group. The Community Garden must comply with the lot and building standards for its zoning district. All chemicals and fuels shall be stored in an enclosed, locked structure when the site is unattended. Community garden group members may or may not reside on the subject property. Sales and donation of only whole, uncut, fresh food and/or horticultural products grown in the community garden may occur on-site on otherwise vacant property, but may not occur on residentially zoned and occupied property, except property zoned R-80. Row crops are not permitted in the front yard of a residentially zoned and occupied property, except property zoned R-80, if whole, uncut fresh food and/or horticultural products grown in the community garden are donated or sold onsite. “Row crops” shall be defined as grain, fruit or vegetable plants, grown in rows, which are 24 inches or more in height. “Row crops” shall not mean cultivated or attended trees, bushes, or shrubbery less than 6 feet in height, or trees in excess of 6 feet in height, and shall not include grain, fruit or vegetable plants that are part of the front yard’s borders, that extend no more than 5 feet from the side property lines or from the front of the principal building. A community garden may be a principal or accessory use. Any area of land that is managed and maintained in a manner that fits within the description of Community Supported Agriculture in 88-312-02-C cannot be considered to be a Community Garden.

88-312-02-C. Community Supported Agriculture (CSA)

An area of land managed and maintained by an individual or group of individuals to grow and harvest food and/or horticultural products for shareholder consumption or for sale or donation. Under the CSA model, shareholders arrange to work on the farm in exchange for a share of the food and/or horticultural

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products grown on the CSA property and/or pay for a portion of the food and/or horticultural products in advance. A CSA may be a principal or accessory use. A CSA located in a residential zoning district, except R-80, requires a special use permit issued in accordance with the special use permit procedures of 88-525. A special use permit shall not be issued unless all of the approval criteria in 88-525-09 are satisfied. The permit is also subject to the following additional standards.

1. Community Supported Agriculture (CSA) Standards

- (a) Garden and farm-related buildings and structures must comply with the accessory structure setback requirements that apply in the subject zoning district (See 88-305). Farmed areas must be set back at least 3 feet from all property lines. The required setback must be covered with ground cover plants, which may include grasses.
- (b) Row crops are not permitted in the front yard of a residentially zoned and occupied property, except property zoned R-80, if whole, uncut fresh food and/or horticultural products grown on the CSA property are donated or sold onsite. "Row crops" shall be defined as grain, fruit or vegetable plants, grown in rows, which are 24 inches or more in height. "Row crops" shall not mean cultivated or attended trees, bushes, or shrubbery less than 6 feet in height, or trees in excess of 6 feet in height, and shall not include grain, fruit or vegetable plants that are part of the front yard's borders, that extend no more than 5 feet from the side property lines or from the front of the principal building.
- (c) The CSA must comply with the lot and building standards for its zoning district.
- (d) Shareholders may pick up food and/or horticultural products grown on the CSA property at the site and may work at the site.
- (e) The site must be designed and maintained so that chemicals will not drain onto adjacent property.
- (f) Tractors, lawnmowers, and other farm-related machinery in R-10 through R-0.3 residential districts must be stored in an enclosed structure.
- (g) Interns and apprentices may be allowed to work on the CSA property.
- (h) All chemicals and fuels shall be stored in an enclosed, locked structure when the site is unattended.

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- (i) Synthetic pesticides or herbicides may be applied only in accordance with state and federal regulations.
- (j) Sales and donation of only whole, uncut, fresh food and/or horticultural products grown on the CSA property may be allowed.
- (k) Reasonable conditions for the operation of the CSA may be imposed.
- (l) The permit may be granted for an initial period of one year. Subsequent renewals may be allowed for up to 5 years if the CSA has complied with all of the requirements of the permit for the previous permit period.
- (m) Section 88-10-08-C shall govern any conflict between the provisions of this section and any private homeowner covenants or restrictions.

88-312-02-D. Private Nuisance Actions.

Nothing herein is intended to preclude any person from filing a private nuisance action against an offensive agricultural use.

88-312-03 Signage for Agricultural Sales

One temporary sign advertising only food or horticultural products grown on-site may be displayed during sales. The sign must be on-site, unilluminated, and must not exceed 6 square feet in area or 3 feet in height.

88-805-06. AGRICULTURAL USE GROUP

The agricultural use group includes the following:

88-805-06-A. AGRICULTURE, CROP

The use of land for the production of row crops, field crops, tree crops, timber, bees, apiary products, or fur-bearing animals.

88-805-06-B. AGRICULTURE, ANIMAL

The feeding, breeding, raising or holding of cattle, swine, poultry or other livestock, whether held in a confinement area or open pasture.

88-805-06-C. AGRICULTURE, URBAN

A home garden, community garden, or community supported agriculture (CSA) farm.

1. HOME GARDEN

A garden maintained by one or more individuals who reside in a dwelling unit located on the subject property to grow and harvest food and/or horticultural products for personal consumption or for sale or donation.

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Any area of land that is managed and maintained in a manner that fits within the description of Community Supported Agriculture cannot be considered to be a Home Garden.

2. COMMUNITY GARDEN

An area of land managed and maintained by a group of individuals to grow and harvest food and/or horticultural products for personal or group consumption or for sale or donation. Any area of land that is managed and maintained in a manner that fits within the description of Community Supported Agriculture cannot be considered to be a Community Garden.

3. COMMUNITY SUPPORTED AGRICULTURE (CSA)

An area of land managed and maintained by an individual or group of individuals to grow and harvest food and/or horticultural products for shareholder consumption or for sale or donation.

88-805-07. ACCESSORY SERVICES

88-805-07-A. WIRELESS COMMUNICATION FACILITY

Facilities related to the use of the radio frequency spectrum for the purposes of transmitting or receiving radio signals, and may include, but is not limited to radio towers, television towers, telephone exchanges, micro-wave relay towers, telephone transmission equipment buildings, commercial mobile radio service facilities or other personal wireless services (such as cellular, personal communication service [PCS], paging, specialized mobile radio [SMR], and other similar services). This use category includes all associated equipment unless the written context clearly indicates that another meaning is intended. The term "associated equipment" is to be read broadly and in context. Associated equipment may include, but is not limited to: antenna, equipment shelter or platform, lighting, monopole tower, mounting hardware, supporting electrical or mechanical equipment, access road, and guy system.

1. CO-LOCATED FACILITY

A wireless telecommunication facility that is attached to an existing pole, tower, or other structure including, but not limited to, a structure that can accommodate the future installation of 2 or more antenna systems.

2. FREESTANDING FACILITY

A new tower, monopole, or other unattached structure erected to support wireless communication antennas and connecting appurtenances.

Section 2. That the City Manager is directed to submit a report to the Council six months after the effective date of this ordinance, and again eighteen months after the effective date, detailing the permits issued under this ordinance, any complaints or known

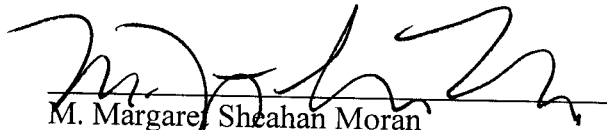
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successes from this ordinance, and recommending any changes to this ordinance suggested by the City's experiences with urban agriculture during those periods.

I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

Secretary, City Plan Commission


Approved as to form and legality:


M. Margaret Sheahan Moran
Assistant City Attorney



Authenticated as Passed


Mark Funkhouser, Mayor


Vickie Thompson, City Clerk

JUN 10 2009

Date Passed